

**REMARKS**

Claim 1 was rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 4,996,839 to Wilkinson *et al.* For the reasons discussed below, claim 1, as amended, is now in condition for allowance.

Claim 1 has been amended to recite the novel embodiment disclosed, for example, on pgs. 24 – 25 in which the fluid machine includes an expansion device 4 that is a scroll type expansion device for changing its expansion volume, in which a movable scroll 52 is rotated with an orbit motion to a fixed scroll 53.

Wilkinson *et al.* discloses an engine system 10 that generally includes an engine 12, a fan 14 and a power turbine 22. It has been asserted that the power turbine 22 discloses an expansion device. However, the power turbine 22 fails to disclose a scroll type expansion device in which a movable scroll is rotated with an orbit motion to a fixed scroll as recited in amended claim 1.

Therefore, because the Wilkinson *et al.* publication fails to disclose an expansion device that is a scroll type expansion device as recited in amended claim 1, it is respectfully requested that the rejection of claim 1 under 35 U.S.C. 102(b) be withdrawn.

In accordance with the election of November 10, 2005, claims 2 – 12 are canceled without prejudice.

The allowance of claims 13 – 17 is acknowledged.

New claims 18 – 20 are presented for examination. Support for new claim 18 may be found on, for example, pg. 25. Support for new claims 19 – 20 may be found on, for example, pg. 27. New claims 18 – 20 depend from claim 1. Therefore, new claims 18 – 20 should be in condition for allowance for the above-mentioned reason with respect to amended claim 1.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Kerry S. Culpepper", written over a horizontal line.

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